

**DISCIPLINE COMMITTEE OF  
THE COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO**

B E T W E E N :

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

KATHERINE YARDLEY, Registration Number 14460

**NOTICE OF HEARING**

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Katherine Yardley to the Discipline Committee of the College. The allegations were referred in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*. The statement of allegations is attached to this notice of hearing. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Health Professions Procedural Code*, as amended, for the purposes of deciding whether the allegations are true. A **pre-hearing conference** may be held at the offices of the College of Physiotherapists of Ontario at 375 University Avenue, Suite 800, Toronto, Ontario, at a date and time to be fixed by the Registrar. A discipline panel will subsequently convene at the offices of the College of Physiotherapists of Ontario at 375 University Avenue, Suite 800, Toronto, Ontario, for the purposes of conducting the hearing.

**IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE**

## PROCEEDINGS.

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke the member's certificate of registration.
2. Direct the Registrar to suspend the member's certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
4. Require the member to appear before the panel to be reprimanded.
5. Require the member to pay a fine of not more than \$35,000 to the Minister of Finance.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Health Professions Procedural Code*.

You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Health Professions Procedural Code*, as amended. You, or your representative, may contact the solicitor for the College, Joanna Birenbaum, in this matter at:

Ursel Phillips Fellows Hopkinson LLP  
555 Richmond St. West, Suite 1200  
Toronto, ON M5V 3B1

Telephone: (416) 968-3333  
Facsimile: (416) 968-0325  
Email: [jbirenbaum@upfhlaw.ca](mailto:jbirenbaum@upfhlaw.ca)

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.



Date: October 3, 2022

---

Anita Ashton, Interim Registrar  
College of Physiotherapists of Ontario

TO: Scarlett Trazo  
Gowling WLG  
Suite 2600, 160 Elgin Street  
Ottawa, Ontario  
K1P 1C3

Counsel for Katherine Yardley

**Statement of Allegations**

1. At all material times Katherine Yardley was a registered physiotherapist with the College of Physiotherapists of Ontario.
2. On or about April 1 – April 30, 2021, K. Yardley engaged in professional misconduct within the meaning of the following paragraphs of section 1 of the *Professional Misconduct Regulation*, O. Reg 388/08:
  - a. paragraph 1 (failing to maintain the standards of practice of the profession);
  - b. paragraph 18 (engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional);
  - c. paragraph 28 (signing or issuing a document containing a statement that the member knows or ought to know contains a false or misleading statement);
  - d. paragraph 32 (submitting an account or charge for services that the member knows or ought to know is false or misleading);
  - e. paragraph 33 (failing to take reasonable steps to ensure that any accounts submitted in the member's name and billing number are fair and accurate); and
  - f. paragraph 41 (failing to supervise in accordance with the standards of practice of the profession).

## **PARTICULARS OF THE ALLEGATIONS**

1. At all material times Katherine Yardley (the “Registrant”) was a physiotherapist registered with the College of Physiotherapists of Ontario, and the owner of Headwaters Physiotherapy located in Mono and Orangeville Ontario (the “Clinic”).
2. On or about April 6, 2021, an undercover investigator from a third-party insurer (the “Investigator”) attended at the Clinic and advised that they were interested in personal training services, billed as physiotherapy treatments under their employee benefits plan. The receptionist and a kinesiologist employed by the Clinic confirmed that the Clinic could provide these services, invoiced as physiotherapy services.
3. On or about April 21, 2021, the Investigator attended at the Clinic for an initial assessment. The Investigator was seen by the kinesiologist.
4. The Investigator advised the kinesiologist that he had no injuries or pain and that his goal was personal training to lose belly fat. The kinesiologist recommended a fully body exercise program to develop lean body mass and lose weight.
5. The Registrant briefly introduced herself to the Investigator during the appointment but did not assess the patient.
6. The College standard of practice, *Working with Physiotherapist Assistants*, is clear that physiotherapists must not assign or delegate initial assessments and re-assessments to physiotherapist assistants.
7. The Registrant prepared notes of the April 21, 2021 appointment, including a treatment plan for the Investigator, despite the fact that the Registrant did not assess the patient. The Registrant indicated in the clinical notes for the April 21, 2021 appointment that the patient’s subjective goal, in addition to weight loss, was “gain functional strength to prevent injury with running” when the Investigator did not express this as a goal.
8. The Investigator attended at the Clinic on April 29, 2021, for a full body workout with the kinesiologist.
9. The April 21, 2021 and April 29, 2021 appointments were invoiced to the third-party insurer as physiotherapy treatments. The April 21, 2021 invoice was issued under the name and College registration number of the Registrant when the Registrant did not provide physiotherapy services to the Investigator on that date.
10. The services provided in the April 21 and April 29, 2021, appointment were personal training or general exercise services, did not qualify as physiotherapy services, and could not be billed to the patient or a third-party insurer as physiotherapy services.

11. Further, and in any event, the April 29, 2021 appointment could not be invoiced as supervised physiotherapy when the patient had not been assessed by a physiotherapist.
12. The Registrant knew or ought to have known that patients of the clinic were referred by the Clinic staff for initial physiotherapy assessments for the purpose of billing personal training/general exercise as physiotherapy services to third-party insurers.
13. The Registrant knew or ought to have known that personal training/general exercise services that did not qualify as physiotherapy services, were invoiced by the Clinic as supervised physiotherapy.
14. The Registrant knew or ought have known that the Investigator had attended at the Clinic for the purpose of accessing personal training to lose weight, which personal training would be covered as physiotherapy services under their employee benefits plan.

**APPENDIX**

1. Take notice that the documents that have been and will later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
2. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.